

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SINGULARDTV, GMBH,

Case No. 1:21-cv-10130

Plaintiff,

-against-

ZACHARY LEBEAU and KIMBERLY JACKSON,

Defendants.

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**DECLARATION OF NEIL L. POSTRYGACZ IN SUPPORT OF DEFENDANTS’  
MOTION DISMISS PLAINTIFF’S AMENDED COMPLAINT**

I, Neil L. Postrygacz, pursuant to 28 U.S.C. § 1746 and Local Rule 6.1(d), hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am an attorney duly admitted to practice law in the State of New York. I am a member of the bar of the State of New York. I am the owner of Neil L. Postrygacz, Attorney at Law, P.C., located at 217 34<sup>th</sup> Street, Brooklyn, New York 11232. I am counsel for Defendants Zach LeBeau (“LeBeau”) and Kimberly Jackson (“Jackson”), collectively the “Defendants.”
2. I make this declaration in support of Defendants’ motion to dismiss Plaintiff’s Amended Complaint Fed. R. Civ. P. 12 (b) (1) for lack of subject matter jurisdiction; Fed. R. Civ. P. 12 (b) (3) for improper venue; and, Fed. R. Civ. P. 12 (b) (6) for failure to state a claim upon which relief may be granted. The statements in this Declaration are true to the best of my knowledge.
3. A true and correct copy of the Plaintiff’s Amended Complaint (Dkt. #78) is annexed hereto and marked as Exhibit A.

4. A true and correct copy of the Plaintiff's Complaint (Dkt. #1) is annexed hereto and marked as Exhibit B.
5. A true and correct copy of the Service and Development Agreement ("Service Agreement") entered into between SingluarDTV GMBH and the stateside SingularDTV LLC ("Breaker") is annexed hereto and marked as Exhibit C.
6. A true and correct copy of the USPTO Trademark Detail Report is annexed hereto and marked as Exhibit D.
7. A true and correct copy of the USPTO Trademark Office Action Letter dated July 28, 2017 is annexed hereto and marked as Exhibit D.
8. A true and correct copy of defendant Zachary LeBeau's prior filed New York Supreme Court Complaint against the Plaintiff is annexed hereto and marked as Exhibit E.
9. A true and correct copy of defendant Zachary LeBeau's prior filed New York Supreme Court Amended Complaint against the Plaintiff is annexed hereto and marked as Exhibit F.

Dated: April 14, 2022  
New York, New York

/s/ Neil L. Postrygacz  
Neil L. Postrygacz